

ITEM: 7

SUBJECT: City of Lakeport Municipal Sewer District, Wastewater Treatment Facility, Lake County

BOARD ACTION: *Consideration of Approval of Cease and Desist Order and Connection Restriction*

BACKGROUND: The City of Lakeport Municipal Sewer District (Discharger) owns and operates a wastewater treatment system that serves approximately 5,150 residents in the City of Lakeport. Waste Discharge Requirements (WDRs) Order No. 98-207 allow for the treatment and disposal of a monthly average dry weather flow of up to 1.05 million gallons per day (mgd) and a maximum daily discharge of up to 3.8 million gallons. Wastewater is treated in a pond system prior to being transferred to a storage reservoir. From the reservoir, the secondary-disinfected wastewater is applied to land by spray and flood irrigation methods.

The 1.05 mgd dry weather flow limitation is based on the treatment capacity of the facility. The Discharger and staff agree that the storage and disposal capacity of the entire facility is significantly less than 1.05 mgd, and that therefore the flow limitation should be revised downward to reflect the ability of the entire facility to comply with the WDRs.

Since adoption of the WDRs in October 1998, the Discharger has reported 64 spills from their collection system and three spills from the disposal fields. Of these spills, a total of 33 entered surface waters. The largest of these spills occurred over an 11 day period in April 2006, when an estimated 3.6 to 6.6 million gallons of partially treated wastewater entered Clear Lake. As a result of the spills, four Notices of Violations (NOVs) were issued. The Discharger asserts that the April 2006 spill was due to Clear Lake's inundation of the Willow Point area, resulting in substantial inflow/infiltration into the collection system.

The discharge of wastewater to the land application areas appears to have degraded groundwater for several constituents including TDS, boron, iron, manganese, magnesium, potassium, sodium, and chloride when comparing the upgradient background monitoring well to the four downgradient monitoring wells.

ISSUES: As a result of the April 2006 discharger, staff requested that the Discharger complete a water balance to determine the actual storage and disposal capacity of the facility. At the time the tentative CDO was released for public comment, the Discharger's water balance showed that there is adequate storage and disposal capacity for an average dry weather flow (ADWF) of only 0.57 mgd (significantly less than the permitted flow rate of 1.05 mgd ADWF). Staff's review of monthly monitoring reports shows that the

monthly ADWF from May through September 2006 ranged from 0.38 to 0.64 mgd (with an average of 0.48 mgd).

A revised water balance, received the day that this agenda item was due, now shows that the capacity is 0.42 mgd. Therefore, the water balance demonstrates that the Discharger does not have enough storage and disposal capacity for its permitted flow; nor does it have sufficient capacity for its current wastewater flow. Because the Discharger's water balance shows that there is inadequate storage capacity under the permitted flow rate of 1.05 mgd and under the May 2006 flow of 0.64 mgd, the tentative CDO contains a connection restriction.

Section 2244 of Title 23 of the California Code of Regulations authorizes the Regional Water Board to issue a "restriction on additional discharges to community sewer systems" (i.e., a connection restriction). The purpose of a connection restriction is to prevent an increase in the violations of waste discharge requirements (or the likelihood of violations) and thereby prevent an increase in unreasonable water quality impairment or an increase in nuisance conditions. This facility has a demonstrated lack of capacity to store and dispose of its wastewater and continued growth will only exacerbate the capacity problem, resulting in additional violations of the WDRs. Therefore, it is appropriate for the Regional Water Board to consider a connection restriction for this facility. The restriction is implemented by the County Building Department, which is prohibited from issuing any further building permits for homes within the Discharger's service area. The connection restriction language in this Order is the same as that in Title 23.

Comments were received from the Discharger, from Morrison & Foerster LLP, representing Schellinger Homes, and from Mark L. Ranft, an attorney representing Victorian Village Investments Inc. These comments are addressed in the staff report. The Discharger does not contest the need for the CDO, but does not believe that a connection restriction is necessary as their calculations show that excess capacity is available. The two developers ask that their projects be exempted from the connection restriction.

Water balances are based on numerous assumptions. Staff are continuing to work with the Discharger to "calibrate" the water balance to reflect actual site conditions. The final revised water balance was submitted hours prior to the deadline for this agenda, so staff are unable to fully address the issues relating to the connection restriction. Staff will continue to work with the Discharger prior to the Board meeting, and intend to discuss the water balance, capacity, and connection restriction in detail during the hearing.

The proposed Order addresses all compliance issues identified at

the facility, and requires that the Discharger complete numerous tasks and reports, including: (a) limiting the ADWF to 0.64 mgd and the total annual flow to 921 acre-feet, (b) installing a flow meter to accurately measure wastewater flows into the treatment plant, (c) calibrating flow meters, (d) developing a revenue plan, (e) implementing a spill contingency plan, (f) developing a staffing and analysis plan, (g) completing a background groundwater quality study and degradation assessment report, (h) submitting a BPTC evaluation workplan and report, (i) completing a sewer master plan, (j) submitting a revenue plan, and (k) submitting a Report of Waste Discharge.

RECOMMENDATION:

Adopt the Cease and Desist Order. A recommendation regarding the connection restriction will be made at the hearing.

Mgmt. Review \_\_\_\_\_

Legal Review \_\_\_\_\_

**15/16 March 2007**

Central Valley Regional Water Quality Control Board meeting  
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Rancho Cordova, CA 95670